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**VIA ECF**

Honorable Judge Mary Kay Vyskocil  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Kumaran vs. Northland Energy Trading et al* 1:19-Cv-08345 (MKV-DCF)

**NOTICE OF LOCAL RULE 7.2 LATE FILING**

Dear Hon Judge Vyskocil;

This letter provides notice that Defendants violated Local Rule 7.2 and did not supply the attached non-published case law until Monday April 12, 2021 therefore giving Plaintiff less than four (4) days to review several unpublished cases. Their cases were due on Friday April 9, 2021.

*Local Rule 7.2 states the non-published cases are due “when serving a memorandum of law (or other submissions to the Court)”*

Defendants have taken specific issue with complete and exacting compliance with Local Rules – yet when it comes to their own compliance with short deadlines, they have routinely filed materials late or exceeding letter page counts<sup>1</sup>. This letter also documents that the information required under Local Rule 7.2 was **submitted late**.

Further this email notifies the Court that as per the attached email from Defendants several *non-published* cases are being used as precedent. Defendants have taken specific issue with Plaintiff use of just two *non-published* cases but clearly by their own email attached they have attempted to sway the Court with umpteen of their own *non-published cases* in order to create inequity in this case. If the Court is to use the *non published* cases by Defendants then equitable standards should be used. Across many of the filings in this case, case law is used as appears regardless of whether published or not. A list of late-supplied non-published cases that were sent to Plaintiff with less than four (4) days to review before creating a reply. This creates inequity in procedural rules and the Court should document Defendants later filing and non compliance with the rule.

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<sup>1</sup> See e.g. ECF94, 10 days letter and excess pages, e.g. ECF111 late filing request and extra pages.

The following lists the un-published cases late filed being used as “precedent” by Defendants.

*Andrews v. Freemantlemedia N.A., Inc.*, 2014 WL 6686590 (unpublished 2014)

*Booker v. Griffin*, 2019 WL 3423262 ( unpublished 2019)

*Colodney v. Continuum Health Partners, Inc.*, 2004 WL 1857568 (unpublished 2004)

*Koch v. Pechota*, 2014 WL 7271191 (unpublished

*Medina v. United States*, 2021 WL 663711 (unpublished 2021)

*Pirela v. Miranda*, 2016 WL 10570949 (unpublished 2016)

*Related Companies, L.P. v. Ruthling*, 2017 WL 6507759 (unpublished 2017)

*Sullivan v. N.Y.C. Dep’t of Investigation*, 2016 WL 7106148 (unpublished 2016).

*United States v. Billini*, 2006 WL 3457834 (unpublished, 2006)

Since Defendants have objected to the use of unpublished cases by Plaintiffs, this letter documents inequitable use of un-published case law, as well as inequity in that Defendants submitted the materials untimely and in violation of Local Rule 7.2.<sup>2</sup>

Respectfully submitted,

//SSK///

Samantha S. Kumaran

Individual Plaintiff

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<sup>2</sup> Plaintiff encountered an Adobe update failure late Friday 16 night/Saturday17 which was not repaired till late yesterday and included full multiple reinstall of Adobe Pro and several hours with customer service so I was unable to issue this letter till this morning. It also explains why the memorandum was separated from the cover on Friday as Adobe froze on open due to a technical automatic release update error on Friday night. It has been fixed on Saturday. I apologize for the technical issue. It does not impact the substance of the motions. The memorandums were still timely filed by midnight. It also explains why I could not print or issue this letter till this morning.